
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 355

**The Foodstuffs Suitable for People Intolerant
to Gluten (Scotland) Regulations 2010**

Application of various sections of the Food Safety Act 1990

5. The following provisions of the Food Safety Act 1990 shall apply for the purposes of these Regulations with the modification that any reference in those provisions to that Act or Part thereof shall be construed as a reference to these Regulations—

- (a) section 3 (presumptions that food intended for human consumption);
- (b) section 20 (offences due to fault of another person);
- (c) section 21 (defence of due diligence)(1), with the following modifications—
 - (i) that subsections (2) to (4) shall apply in relation to an offence under regulation 3(1) as they apply in relation to an offence under section 14 or 15; and
 - (ii) that in subsection (4)(b) the references to “sale or intended sale” shall be deemed to include references to “labelling, advertising or presentation”;
- (d) section 30(8) (analysis etc. of samples);
- (e) section 33(1) (obstruction etc. of officers);
- (f) section 33(2), with the modification that the reference to “any such requirement as is mentioned in subsection (1)(b) above” shall be deemed to be a reference to any such requirement as is mentioned in section 33(1)(b) as applied by sub-paragraph (e);
- (g) section 35(1) (punishment of offences), in so far as it relates to offences under section 33(1) as applied by sub-paragraph (e);
- (h) section 35(2) and (3)(2), in so far as it relates to offences under section 33(2) as applied by sub-paragraph (f);
- (i) section 36 (offences by bodies corporate);
- (j) section 36A (offences by Scottish partnerships)(3); and
- (k) section 44 (protection of officers acting in good faith).

(1) Section 21 was amended by [S.I. 2004/3279](#).

(2) Section 35(3) was amended by [S.I. 2004/3279](#).

(3) Section 36A was inserted by the [1999 Act \(c.28\)](#), Schedule 5, paragraph 16.